

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**SECURITIES AND EXCHANGE
COMMISSION,**

Plaintiff,

-against-

**JOHN DAVID MCAFEE and
JIMMY GALE WATSON, JR.,**

Defendants.

20 Civ. 8281 (JGK)

DECLARATION OF PROOF OF SERVICE OUTSIDE THE UNITED STATES

I, Jorge G. Tenreiro, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a member of the Bar of the State of New York.
2. I am employed as Senior Trial Counsel in the New York Regional Office of Plaintiff Securities and Exchange Commission (the “SEC”). I submit this declaration as proof of service of the Summons and Complaint (D.E. 8, D.E. 1) on Defendant John David McAfee (“McAfee”) outside the United States, pursuant to the Convention on Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (“Hague Convention”).
3. I am familiar with the facts and circumstances herein. I submit this Declaration based upon (i) my personal knowledge, (ii) information provided to me by members of the staff of the SEC, and (iii) certain other documents that are described herein. Because the SEC submits this Declaration for the limited purpose of proving service on McAfee, I have not set forth each and every fact that I know about this matter
4. On October 5, 2020, the SEC filed its Complaint against McAfee.
5. Since approximately October 5, 2020, McAfee has been detained in a Spanish prison, in connection with a related criminal case in the Western District of Tennessee, No. 20 Cr. 10029.

6. On October 20, 2020, the SEC began the process of attempting to serve McAfee in Spain pursuant to the Hague Convention, as provided for in Federal Rule of Civil Procedure 4(f)(1).

7. On October 20, as part of beginning the process of attempting to serve McAfee in Spain, SEC staff mailed to the relevant Spanish authorities—the Ministerio de Justicia, Subdirección General de Cooperación Jurídica Internacional, or Minister of Justice, General Subdivision for International Judicial Cooperation—the documentation required under the Hague Convention, namely: (a) United States Department of Justice Form USM-94, Request for Service Abroad of Judicial or Extrajudicial Documents, and (b) the original English version and Spanish translations of (i) the SEC’s Complaint (D.E. 1); (ii) the Civil Cover Sheet for this case (D.E. 2); (iii) the Summons as to McAfee (D.E. 8); (iv) the ECF Rules for the Southern District of New York; and (v) this Court’s Individual Practices.

8. Attached hereto as **Exhibit A** is a true and correct copy of the original label used by the SEC to mail the foregoing documents to the relevant Spanish authorities, bearing FedEx tracking number 771850821958, mailed on October 20, 2020.

9. Attached hereto as **Exhibit B** is a printed true and correct copy of the proof of service for package bearing FedEx tracking number 771850821958, which I retrieved from FedEx’s website and which shows that the SEC’s mailing was delivered to the relevant Spanish authorities on October 22, 2020.

10. On December 18, 2020, I spoke via email to a Liaison Magistrate of Spain to the United States (the “Liaison Magistrate”) to inquire as to the status of the SEC’s efforts to serve McAfee in Spain pursuant to the Hague Convention.

11. At the end of March 2021, the Liaison Magistrate informed me that the relevant Spanish authorities had effected service of this lawsuit on McAfee pursuant to the Hague Convention and that, on March 25, 2021, local Spanish authorities had asked that the relevant

Spanish authorities remit to the SEC's Washington, D.C. office their certification that they had executed the SEC's request for Hague Convention service on McAfee.

12. The SEC's staff is currently in a mandatory telework posture due to the COVID-19 pandemic.

13. On June 2, 2021, a member of the SEC staff of the Office of International Affairs nevertheless visited the SEC's office in Washington, D.C. and informed me that he had located a mailing from the Spanish authorities certifying Hague Convention service on McAfee.

14. Attached as **Exhibit C** is a scanned true and correct copy of the original mailing from the Spanish authorities to the SEC in Spanish and Catalan. Based on my native fluency in Spanish, I understand Exhibit C contains, in Spanish and Catalan, the relevant Spanish official's certification that she had personally served McAfee with the requested documents on February 10, 2021, including McAfee's signature acknowledging service. *See* Ex. C at 13.

15. On June 2, 2021, I requested that Exhibit C be translated into English by a professional translation service.

16. Attached as **Exhibit D** is a true and correct copy of the official English translation of the documents the SEC received from the Spanish authorities, reflecting the relevant Spanish official's certification that she had personally served McAfee with the requested documents on February 10, 2021, including McAfee's signature acknowledging service. *See* Ex. D at 13.

17. Attached as **Exhibit E** is a true and correct copy of the official certificate of translation with respect to Exhibit C, attaching Exhibit D.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 14, 2021
New York, New York

A handwritten signature in black ink, appearing to read 'JG Tenreiro', written over a horizontal line.

Jorge G. Tenreiro